



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,686	07/27/2006	Adolf Zaiser	3743	8418

7590 08/31/2011  
STRIKER, STRIKER & STENBY  
103 East Neck Road  
Huntington, NY 11743

EXAMINER
----------

DEXTER, CLARK F

ART UNIT	PAPER NUMBER
----------	--------------

3724

MAIL DATE	DELIVERY MODE
-----------	---------------

08/31/2011

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>ntal</b>  <b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/587,686	ZAISER ET AL.	
	Examiner	Art Unit	
	CLARK F. DEXTER	3724	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2011.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-14, 16 and 18-26 is/are pending in the application.
- 4a) Of the above claim(s) 4, 7-14, 21 and 26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2, 3, 5, 6, 16, 18-20 and 22-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. The amendment filed on April 25, 2011 has been entered.

#### ***Election/Restrictions***

2. Newly submitted claim 26 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

The invention of claim 26 is directed to a saw having a specific drive mechanism configuration that is not required in any of the previously established groups, and vice versa.

Since applicant has received an action on the merits for the originally presented/elected invention, this invention has been for prosecution on the merits. Accordingly, claim 26 has been withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

#### ***Claim Objections***

3. Claims 18 and 23 are objected to because of the following informalities:

In claim 18, line 3, "aware" is incorrect and should read --away--; and --a-- should be inserted before "cutting edge" for clarity.

In claim 23, line 11, a close parenthesis ")" is missing after "(12".

Appropriate correction is required.

***Claim Rejections - 35 USC § 112, 2<sup>nd</sup> paragraph***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 2, 3, 5, 6 and 19-20 and 22-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 16, lines 4-6, the recitation “into which upon assembly a T-shaped extension of a retaining region of the saw blade is inserted along an insertion direction of the saw blade” renders the claim as vague and indefinite with respect to the scope of the claims, particularly as to whether or not the saw blade is considered to be part of the claimed invention.

In claim 23, lines 4-6, the recitation “into which upon assembly a T-shaped extension of a retaining region of the saw blade is inserted along an insertion direction of the saw blade” renders the claim as vague and indefinite with respect to the scope of the claims, particularly as to whether or not the saw blade is considered to be part of the claimed invention.

In claim 24, lines 2-3, the recitation “in an installed state of said saw blade” renders the claim vague and indefinite since the blade is both positively claimed and conditionally referenced, and thus it is not clear as to what state is being claimed; similarly, in line 9, the recitation “upon assembly” renders the claim vague and indefinite since the blade is both positively claimed and conditionally referenced, and thus it is not clear as to what state is being claimed.

In claim 25, line 3, the recitation "in an installed state of said saw blade" renders the claim vague and indefinite since the blade is both positively claimed and conditionally referenced, and thus it is not clear as to what state is being claimed; similarly, in lines 9-10, the recitation "upon assembly" renders the claim vague and indefinite since the blade is both positively claimed and conditionally referenced, and thus it is not clear as to what state is being claimed.

***Claim Rejections - 35 USC § 102/103***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

Art Unit: 3724

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 2, 3, 5, 6, 19, 20, 22 and 24 are rejected under 35 U.S.C. 102(b) as anticipated by Godfrey et al., pn 3,155,128 or, in the alternative, under 35 U.S.C. 103(a) as obvious over Godfrey et al., pn 3,155,128 over Odendahl et al., pn 5,644,847.

**Regarding claim 24 and the claims dependent therefrom**, Godfrey discloses a handheld power saw with every structural limitation of the claimed invention including:

a lifting rod (e.g., 78);

a saw blade (e.g., B) connected with said lifting rod in an installed state of said saw blade and movable in an oscillating motion;

coupling means (e.g., 94) for retaining and driving said saw blade and connecting said saw blade to said lifting rod;

a guide assembly (e.g., 88, 90) for guiding said oscillating motion of said saw blade, wherein said guide assembly includes at least one lateral bracing means (e.g., 8, 90) for shielding said coupling means from shear forces acting on said saw blade,

wherein said coupling means comprises a clamping sleeve (e.g., 94) into which upon assembly a T-shaped extension of a retaining region of said saw blade is inserted along an insertion direction of said saw blade (e.g., the clamping sleeve of Godfrey is fully capable of performing such a function),

wherein said bracing means is located along said insertion direction of said saw blade in front of said clamping sleeve (e.g., in a direction to the left of the clamping

Art Unit: 3724

sleeve which reads on the limitation "in front of" since no other frame of reference is set forth) and directly guides said saw blade during its oscillating motion (e.g., by guiding the rod 78, which is integrally connected to the saw blade, the bracing means 88, 90 are considered to directly guide the saw blade);

[claim 2] wherein the bracing means is configured for bracing on both sides against shear forces on the saw blade (e.g., see Fig. 5);

[claim 3] wherein the bracing means is configured as a slide bearing;

[claim 5] wherein the bracing means forms a two-dimensional contact face;

[claim 6 (from 5)] characterized in that the contact face has a length of at least 2 cm in a longitudinal direction of the saw blade (e.g., providing a particular saw in a number of sizes or scales will result in the claimed contact face length).

[claim 19] wherein two lateral bracing means are provided (e.g., see Fig. 5);

[claim 20] wherein in an installed state of the saw blade the two lateral bracing means are located mirror-symmetrically beside the saw blade (e.g., each one of 88 and 90 includes lateral structures/portions/members that are integral with one another and are located mirror-symmetrically beside the saw blade);

[claim 22] wherein the bracing means has a rounded area in a front region of the bracing means facing the saw blade.

**In the alternative regarding claims 22 and 24**, if it is argued that the above described bracing means does not adequately meet the claims, the Examiner takes Official notice that guide assemblies having such bracing means are old and well known in the art and provide various well known benefits including stabilizing or bracing the

Art Unit: 3724

movement of the saw blade, particularly when faced with forces applied during cutting. Odendahl discloses an example of such a bracing means (e.g., see Figs. 1-3) that includes the rounded are as set forth in claim 22. Therefore, it would have been obvious to one having ordinary skill in the art to provide a guide assembly with such a bracing means on the saw of Godfrey to gain the well known benefits including those described above.

**Further in the alternative regarding claim 6**, if it is argued that Godfrey does not explicitly disclose the claimed length, to provide such a contact face length would be the mere discovery of the optimum or workable ranges within the general conditions of the prior art by routine experimentation and therefore obvious to one having ordinary skill in the art.

### ***Claim Rejections - 35 USC § 103***

9. Claims 16, 18, 23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Godfrey et al., pn 3,155,128 over Odendahl et al., pn 5,644,847.

**Regarding claims 16 and 18**, Godfrey discloses a handheld power saw with almost every structural limitation of the claimed invention (except for the limitations shown with a strikethrough and grayed-out) including:

a coupling means (e.g., 94) for retaining and driving a saw blade and connecting the saw blade to a lifting rod (e.g., 78) in an installed state of the saw blade, wherein the coupling means comprises a clamping sleeve (e.g., 94) into which upon assembly a T-shaped extension of a retaining region of the saw blade is inserted along an insertion



Art Unit: 3724

direction of the saw blade (Godfrey's device is fully capable of performing such a function), and

~~a guide assembly for guiding an oscillating motion of the saw blade, wherein the guide assembly includes at least one lateral bracing means located between along the insertion direction of the saw blade in front of the clamping sleeve and shielding the coupling means from shear forces acting on the saw blade,~~

~~wherein the guide assembly includes a pressure roller, supported in sliding fashion on a bolt and a pressure bolt for directly guiding the saw blade, wherein the bolt and the pressure bolt are inserted in recesses which are provided in the bracing means,~~

~~[claim 18] wherein the pressure roller guides the saw blade at a reverse edge of the saw blade which faces away from cutting edge of the saw blade.~~

**Godfrey lacks** the specific guide assembly configuration as follows:

a guide assembly for guiding an oscillating motion of the saw blade, wherein the guide assembly includes at least one lateral bracing means located between along the insertion direction of the saw blade in front of the clamping sleeve and shielding the coupling means from shear forces acting on the saw blade,

wherein the guide assembly includes a pressure roller, supported in sliding fashion on a bolt and a pressure bolt for directly guiding the saw blade, wherein the bolt and the pressure bolt are inserted in recesses which are provided in the bracing means (e.g., as taught in Fig. 1);

[claim 18] wherein the pressure roller guides the saw blade at a reverse edge of the saw blade which faces away from cutting edge of the saw blade.

**However**, the Examiner takes Official notice that guide assembly configurations are old and well known in the art and provide various well known benefits including stabilizing or bracing the movement of the saw blade, particularly when faced with forces applied during cutting. Odendahl discloses an example of such a guide assembly configuration (e.g., see Figs. 1-3) that includes the lateral bracing means (e.g., see Fig. 3), and teaches the guide assembly including a pressure roller (e.g., 28), supported in sliding fashion on a bolt (e.g., the roller 28 is rotatably supported in a sliding fashion on the associated bolt shown at the center thereof), and a pressure bolt (e.g., at 32), such that the guide assembly is "for directly guiding the saw blade." Therefore, it would have been obvious to one having ordinary skill in the art to provide such a guide assembly configuration on the saw of Godfrey to gain the well known benefits including those described above.

**Regarding claim 23**, Godfrey discloses a handheld power saw with almost every structural limitation of the claimed invention (except for the limitations shown with a strikethrough and grayed-out) including:

a coupling means (e.g., 94) for retaining and driving a saw blade and connecting the saw blade to a lifting rod (e.g., 78) in an installed state of the saw blade, wherein the coupling means comprises

a clamping sleeve (e.g., 94) into which upon assembly a T-shaped extension of a retaining region of the saw blade is inserted along an insertion direction of the saw blade (Godfrey's device is fully capable of performing such a function), and

Art Unit: 3724

~~a guide assembly for guiding an oscillating motion of the saw blade,  
wherein the guide assembly includes at least one lateral bracing means located  
along the insertion direction of the saw blade in front of the clamping sleeve and  
shielding the coupling means from shear forces acting on the saw blade,  
wherein in an installed state of the saw blade a contact face of the bracing  
means abuts on a guide region of the saw blade, located in a working direction between  
a retaining region of the saw blade and a work region of the saw blade, and  
wherein the guide assembly includes a pressure roller, supported in sliding  
fashion on a bolt, and a pressure bolt for guiding the saw blade.~~

**Godfrey lacks** the specific guide assembly configuration as follows:

a guide assembly for guiding an oscillating motion of the saw blade,  
wherein the guide assembly includes at least one lateral bracing means  
located along the insertion direction of the saw blade in front of the  
clamping sleeve and shielding the coupling means from shear forces  
acting on the saw blade,  
wherein in an installed state of the saw blade a contact face of the bracing  
means abuts on a guide region of the saw blade, located in a working direction  
between a retaining region of the saw blade and a work region of the saw blade,  
and  
wherein the guide assembly includes a pressure roller, supported in  
sliding fashion on a bolt, and a pressure bolt for guiding the saw blade.

**However**, the Examiner takes Official notice that guide assembly configurations are old and well known in the art and provide various well known benefits including stabilizing or bracing the movement of the saw blade, particularly when faced with forces applied during cutting. Odendahl discloses an example of such a guide assembly configuration (e.g., see Figs. 1-3) that includes the lateral bracing means (e.g., see Fig. 3) that abuts a guide region of the saw blade, and teaches the guide assembly including a pressure roller (e.g., 28), supported in sliding fashion on a bolt (e.g., the roller 28 is rotatably supported in a sliding fashion on the associated bolt shown at the center thereof), and a pressure bolt (e.g., at 32), such that the guide assembly is "for guiding the saw blade." Therefore, it would have been obvious to one having ordinary skill in the art to provide such a guide assembly configuration on the saw of Godfrey to gain the well known benefits including those described above.

**Regarding claim 25**, Godfrey discloses a handheld power saw with almost every structural limitation of the claimed invention (except for the limitations shown with a strikethrough and grayed-out) including:

- a housing (e.g., 12);
- a lifting rod (e.g., 78);
- a drive mechanism (e.g., including 24) driving said lifting rod to oscillate linearly;
- a saw blade (e.g., B) connected with said lifting rod in an installed state of said saw blade and movable in an oscillating motion;
- coupling means (e.g., 94) for retaining and driving said saw blade and connecting said saw blade to said lifting rod;

Art Unit: 3724

~~a guide assembly for guiding said oscillating motion of said saw blade, wherein said guide assembly includes at least one lateral bracing means for shielding said coupling means from shear forces acting on said saw blade.~~

wherein said coupling means comprises a clamping sleeve (e.g., 94) into which upon assembly ~~a T-shaped extension of~~ a retaining region of said saw blade is inserted along an insertion direction of said saw blade (e.g., the clamping sleeve of Godfrey is fully capable of performing such a function), ~~wherein said bracing means is located along said insertion direction of said saw blade in front of said clamping sleeve and directly guides said saw blade during its oscillating motion and~~

wherein said lifting rod, ~~said coupling means and said guide assembly~~ are located in said housing.

**Godfrey lacks** the specific guide assembly configuration including:

a guide assembly for guiding said oscillating motion of said saw blade, wherein said guide assembly includes at least one lateral bracing means for shielding said coupling means from shear forces acting on said saw blade,

wherein said bracing means is located along said insertion direction of said saw blade in front of said clamping sleeve and directly guides said saw blade during its oscillating motion and

wherein said lifting rod, said coupling means and said guide assembly are located in said housing.

**However**, the Examiner takes Official notice that guide assemblies are old and well known in the art and provide various well known benefits including stabilizing or

bracing the movement of the saw blade, particularly when faced with forces applied during cutting. Odendahl discloses an example of such a guide assembly configuration (e.g., see Figs. 1-3) that includes the lateral bracing means (e.g., see Fig. 3) that contacts and thus directly guides the saw blade, and teaches the lifting rod (e.g., inside 16), said coupling means (e.g., inside 16) and said guide assembly (e.g., the upper portion thereof is inside 16) are located in said housing. Therefore, it would have been obvious to one having ordinary skill in the art to provide such a guide assembly configuration on the saw of Godfrey to gain the well known benefits including those described above.

**Further, Godfrey lacks** a saw blade having a T-shaped extension of a retaining region thereof. However, the Examiner takes Official notice that T-shaped extension configurations are old and well known in the art and provide various well known benefits including providing an abutment to limit the depth that the saw blade can be inserted into a given clamping device. Therefore, , it would have been obvious to one having ordinary skill in the art to provide a saw blade having such a T-shaped extension configuration on the saw of Godfrey to gain the well known benefits including those described above.

### ***Response to Arguments***

10. Applicant's arguments filed April 25, 2011 have been fully considered but they are not persuasive for at least the reasons further and more fully described in rejections, particularly the prior art rejections above.

In the paragraph bridging pages 12-13, applicant argues that Godfrey does not disclose a clamping sleeve into which a T-shaped extension is inserted. The Examiner respectfully disagrees. It is noted that the only claims that positively set forth a saw blade as part of the claimed invention are claims 24 and 25, and the Examiner's position is that to provide a T-shaped extension on saw blades is known, and that such a saw blade is clearly insertable into the clamp of Godfrey; for example, with the straight portion inserted into the clamp, and the "T" portions abutting against a lower/outer surface of the clamp. With respect to the other claims, the clamp of Godfrey is fully capable of receiving such a T-shaped extension in the above-described manner.

Further in the paragraph bridging pages 12-13, applicant argues Godfrey does not disclose the claimed bracing means. However, to the extent claimed, the Examiner's position is that such bracing means are taught by Odendahl et al.

### ***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

Art Unit: 3724

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CLARK F. DEXTER whose telephone number is (571)272-4505. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 3724

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/Clark F. Dexter/  
Primary Examiner, Art Unit 3724**

cfd  
August 28, 2011